IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 20575 of 2004

Between:

Annangi Simhadri, S/o. Koteswar Rao,
R/o. Yadavapalem, Bogole, Bogole Mandal, Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore.
2 The Election Authority-cum-Revenue Divisional Officer,

Kavali, Nellore District.
3 The Mandal Development Officer, Bogole Mandal, Nellore District.
4 The Mandal Revenue Officer, Bogole Mandal, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the respondent No.2 in taking necessary steps under Law including postponing of the election to fill up casual vacancy of the post of President, Mandal Praja Parishad, Bogole Mandal, Nellore District, as illegal, arbitrary and contrary to law.

Counsel for the Petitioner:MR.M.RAVINDRANATH REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following ORDER:

The petitioner filed this writ petition questioning the election notification issued by the second respondent-Election Authority-cum-Revenue Divisional Officer, Kavali, Nellore District, on
04-11-2004 for conducting elections to fill up the casual vacancy of the post of President, Mandal Praja Parishad, Bogole Mandal, Nellore District.

In view of the full bench judgment of this Court delivered
in W.A.No.1221 of 2004, dated 26-10-2004, the present writ petition cannot be entertained to stall the elections on the grounds stated in the writ affidavit that one candidate is kidnapped and there cannot be any fair elections. If the said election is vitiated, proper remedy of the petitioner is only to challenge the elections by way of an election petition.

The writ petition is accordingly dismissed. No costs.

8th NOVEMBER, 2004.

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To

1 The District Collector, Nellore.
2 The Election Authority-cum-Revenue Divisional Officer,

Kavali, Nellore District.
3 The Mandal Development Officer, Bogole Mandal, Nellore District.
4 The Mandal Revenue Officer, Bogole Mandal, Nellore District.

5 Two CCs to the Government Pleader for Panchayat Raj and Rural Development, A.P.High Court Buildings, Hyderabad (OUT).

6 Two CD copies.